

The resolution I am submitting today follows up on several of the initiatives from Berlin. The conference was punctuated with the "Berlin Declaration," a statement given by the Bulgarian Chairman-in-Office, Foreign Minister Solomon Passy, during the closing plenary session. In addition to declaring that "international developments or political issues, including those in Israel or elsewhere in the Middle East, never justify anti-Semitism," the Declaration advanced efforts to monitor anti-Semitic crimes and hate crimes, as all OSCE participating States committed to "collect and maintain" statistics about these incidents and to forward that information to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) for compilation. The resolution urges all participating States to ensure these promises are fulfilled, and calls upon the Bulgarian Chairman-in-Office to designate a "personal envoy" to monitor compliance with these commitments.

The resolution also speaks to the importance of confronting instances of racism, discrimination and xenophobia wherever it occurs. It is important to note that in September, the OSCE will convene a meeting on these matters, the Brussels Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination. This meeting is very important, as no OSCE participating State is immune from these evils.

As Co-Chairman of the Helsinki Commission, I have been impressed by the efforts of the OSCE and its participating States to address issues of anti-Semitism and intolerance. However, the time for words has passed, and I urge all OSCE countries, including the United States, to take real action. This resolution highlights several areas where steps can and should be taken. I urge bipartisan support and speedy passage of this measure.

SENATE CONCURRENT RESOLUTION 111—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED IN HONOR OF THE CENTENNIAL ANNIVERSARY OF ROTARY INTERNATIONAL AND ITS WORK TO ERADICATE POLIO

Mr. LUGAR (for himself and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

Whereas Rotary International, founded on February 23, 1905, is a worldwide organization of business and professional leaders that provides humanitarian service, encourages high ethical standards in all vocations, and helps build goodwill and peace in the world;

Whereas approximately 1,200,000 Rotarians belong to more than 31,000 Rotary clubs located in 166 countries;

Whereas the Movement for Volunteer Community Service, initiated by Rotary, has been described as one of the major developments of the 20th century, and provides a

formalized spirit of community voluntarism in the United States;

Whereas Rotarians are committed to the position that their efforts to provide educational opportunities and to meet basic human needs are essential steps to greater world understanding, goodwill, and peace;

Whereas Rotary's PolioPlus program to eradicate the dreaded disease of polio throughout the world has helped to vaccinate more than 2,000,000,000 children against the disease;

Whereas Rotary is the only nongovernmental organization working in partnership with the World Health Organization, UNICEF, and the Centers for Disease Control and Prevention to achieve the goal of the total eradication of polio by 2005;

Whereas the work of Rotary International in the eradication of polio is one of the finest humanitarian efforts by a nonprofit organization;

Whereas there are more than 7,500 Rotary clubs in the United States, with nearly 400,000 members, who voluntarily support thousands of humanitarian and educational projects to benefit our communities; and

Whereas Rotary International will celebrate its centennial anniversary in 2005: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued in honor of the centennial anniversary of Rotary International and its effort to eradicate polio;

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a stamp be issued; and

(3) the Rotary Clubs of the United States are to be commended for 100 years of volunteer service.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, *supra*.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, *supra*; which was ordered to lie on the table.

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, *supra*; which was ordered to lie on the table.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, *supra*; which was ordered to lie on the table.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3151. Mr. LAUTENBERG proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 184, between lines 16 and 17, insert the following:

Subtitle F—Provisions Relating To Certain Sanctions

SEC. 856. CLARIFICATION OF CERTAIN SANCTIONS.

(a) IN GENERAL.—

(1) CLARIFICATION OF CERTAIN ACTIONS UNDER IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with that foreign government, as a result of a determination by the Secretary of State that the government has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person as defined in paragraph (2).

(2) DEFINITIONS.—In this section:

(A) PERSON.—The term "person" means an individual, partnership, corporation, or other form of association, including any government or agency thereof.

(B) UNITED STATES PERSON.—The term "United States person" means—

(i) any resident or national (other than an individual resident outside the United States and employed by other than a United States person); and

(ii) any domestic concern (including any permanent domestic establishment of any foreign concern) or any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern, which is controlled in fact by such domestic concern.

(C) CONTROLLED.—The term "is controlled" means—

(i) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(ii) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(b) APPLICABILITY.—

(1) IN GENERAL.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) ACTIONS AFTER DATE OF ENACTMENT.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

SEC. 857. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) NOTIFICATION REQUIREMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the

termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1(b) of such Act is amended by adding at the end the following new item:

“Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.”.

SA 3152. Mrs. HUTCHISON proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 147, after line 21, insert the following:

SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) **MEDICAL AND DENTAL CARE.**—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

“§ 1074b. Medical and dental care: cadets and midshipmen

“(a) **ELIGIBILITY.**—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

“(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

“(2) Each member of, and each designated applicant for membership in, the Senior Reserve Officers’ Training Corps who incurs or aggravates an injury, illness, or disease in the line of duty while performing duties under section 2109 of this title.

“(b) **BENEFITS.**—A person eligible for benefits in subsection (a) for an injury, illness, or disease is entitled to—

“(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

“(2) meals during hospitalization.

“(c) **EXCEPTION.**—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

“1074b. Medical and dental care: cadets and midshipmen of the service academies.”.

(b) **ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.**—(1)(A) Section 1217 of title 10, United States Code, is amended to read as follows:

“§ 1217. Cadets, midshipmen, and aviation cadets: applicability of chapter

“(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United

States Coast Guard Academy and midshipmen of the United States Naval Academy.

“(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.”.

(B) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

“1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.”.

(2) The amendments made by paragraph (1) shall take effect on October 1, 2004.

SA 3153. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 58, after line 24, insert the following:

SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AUTHORITIES FOR ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS.

(a) **PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.**—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 4544. Army industrial facilities: public-private partnerships

“(a) **PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.**—A working-capital funded Army industrial facility may enter into cooperative arrangements with non-Army entities to carry out military or commercial projects with the non-Army entities. A cooperative arrangement under this section shall be known as a ‘public-private partnership’.

“(b) **AUTHORIZED PARTNERSHIP ACTIVITIES.**—A public-private partnership entered into by an Army industrial facility may provide for any of the following activities:

“(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of Defense.

“(2) The performance of—

“(A) work by a non-Army entity at the facility; or

“(B) work for a non-Army entity by the facility.

“(3) The sharing of work by the facility and one or more non-Army entities.

“(4) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

“(5) The preparation and submission of joint offers by the facility and one or more non-Army entities for competitive procurements entered into with a department or agency of the United States.

“(6) Any other cooperative effort by the facility and one or more non-Army entities that the Secretary of the Army determines appropriate, whether or not the effort is similar to an activity described in another paragraph of this subsection.

“(c) **CONDITIONS FOR PUBLIC-PRIVATE PARTNERSHIPS.**—An activity described in subsection (b) may be carried out as a public-

private partnership at an Army industrial facility only under the following conditions:

“(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

“(2) The activity does not interfere with performance of—

“(A) work by the facility for the Department of Defense; or

“(B) a military mission of the facility.

“(3) The activity meets one of the following objectives:

“(A) Maximize utilization of the capacity of the facility.

“(B) Reduction or elimination of the cost of ownership of the facility.

“(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

“(D) Preservation of skills or equipment related to a core competency of the facility.

“(4) The non-Army entity partner or purchaser agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

“(A) in any case of willful misconduct or gross negligence; or

“(B) in the case of a claim by a purchaser or articles or services under this section that damages or injury arose from the failure of the Government to comply with quality or cost performance requirements in the contract to carry out the activity.

“(d) **METHODS OF PUBLIC-PRIVATE PARTNERSHIPS.**—To conduct an activity of a public-private partnership under this section, the approval authority described in subsection (f) for an Army industrial facility may, in the exercise of good business judgment—

“(1) provide a service or article without advertisement;

“(2) enter into a firm, fixed-price contract (or, if agreed to by the purchaser, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

“(3) enter into a multiyear partnership contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

“(4) charge a partner, at a minimum, the variable costs, capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

“(5) authorize a partner to use incremental funding to pay for the articles, services, or use of equipment or facilities;

“(6) accept payment-in-kind; and

“(7) perform a reasonable amount of work in advance of receipt of payment.

“(e) **DEPOSIT OF PROCEEDS.**—The proceeds derived from sales of articles and services under this section shall be credited to the working-capital fund that incurs the costs of manufacturing the articles or performing the services. Notwithstanding section 3302(b) of title 31, a reasonable portion of the proceeds (from sources other than appropriated funds) derived from the sale of articles or services under this section may be retained in a separate account of the applicable fund to be available for paying design costs, planning costs, procurement costs, promotional or marketing costs, and other costs associated with articles and services sold. Amounts retained in such separate account shall remain

available, without further appropriation, until expended. In addition, consideration for lease or facility use agreements may be accepted by the applicable fund of the facility concerned.

“(f) APPROVAL OF SALES.—The authority of an Army industrial facility to conduct a public-private partnership under this section shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such partnership on a case basis or a class basis.

“(g) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (f) determines that either—

“(1) the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required; or

“(2) a commercial source has requested the articles be made or the services be performed by the facility.

“(h) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for depot-level maintenance and repair workload by non-Federal personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a public-private partnership established under this section.

“(i) PROMOTION OF USE OF PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary of the Army shall ensure that, in a solicitation for the award of a production or support contract for a major system, each person include in its offer a proposal to conduct a fair share, as determined by the Secretary, of the maintenance, repair, or sustainment work on the major system at an Army industrial facility pursuant to a public-private partnership established under this section.

“(j) RELATIONSHIP TO OTHER LAWS.—(1) Nothing in this section shall be construed to affect the application of—

“(A) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a public-private partnership under this section; and

“(B) section 2667 of this title to leases of non-excess property in the administration of a public-private partnership under this section.

“(2) Section 2304e of this title does not apply in the case of a transaction entered into under the authority of this section for an activity of a public-private partnership.

“(3) Section 1341 of title 31 does not apply in the case of a transaction entered into under subsection (d)(7).

“(k) DEFINITIONS.—In this section:

“(1) The term ‘Army industrial facility’ includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

“(2) The term ‘non-Army entity’ includes the following:

“(A) An executive agency (other than the Department of the Army).

“(B) An entity in industry or commercial sales.

“(C) A State or political subdivision of a State.

“(D) An institution of higher education or vocational training institution.

“(3) The term ‘incremental funding’ means a series of partial payments that—

“(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

“(B) result in full payment being completed as the required work is being completed.

“(4) The term ‘variable costs’ means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4544. Army industrial facilities: public-private partnerships.”

SA 3154. Mr. FEINGOLD (for himself, Mrs. MURRAY, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the “Military Families Leave Act of 2004”.

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—

“(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

“(i) on active duty in support of a contingency operation; or

“(ii) notified of an impending call or order to active duty in support of a contingency operation.

“(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

“(i) while the employee’s spouse, son, daughter, or parent (referred to in the subparagraph as the ‘family member’) is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

“(ii) only for issues relating to or resulting from such family member’s—

“(I) service on active duty in support of a contingency operation; and

“(II) if a member of a reserve component of the Armed Forces—

“(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

“(bb) service on active duty in support of such operation.

“(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by in-

serting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting “or subsection (a)(3)” after “subsection (a)(1)”.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

“(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.”

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

“(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER’S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.”

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

“(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

“(i) on active duty in support of a contingency operation; or

“(ii) notified of an impending call or order to active duty in support of a contingency operation.

“(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

“(i) while the employee’s spouse, son, daughter, or parent (referred to in the subparagraph as the ‘family member’) is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

“(ii) only for issues relating to or resulting from such family member’s—

“(I) service on active duty in support of a contingency operation; and

“(II) if a member of a reserve component of the Armed Forces—

“(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

“(bb) service on active duty in support of such operation.

“(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.”

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: “Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.”

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting “or subsection (a)(3)” after “subsection (a)(1)”.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

“(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.”

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

“(f) An employing agency may require that a request for leave under section 6382(a)(3) be

supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.”.

SA 3155. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

**TITLE XIII—VETERANS’ ENHANCED
TRANSITION SERVICES**

SEC. 1301. SHORT TITLE.

This title may be cited as the “Veterans’ Enhanced Transition Services Act of 2004”.

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) TRANSMITTAL OF MEDICAL RECORDS OF ALL MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPARTMENT OF VETERANS AFFAIRS.—Chapter 58 of title 10, United States Code, is amended—

(1) by inserting before subsection (c) of section 1142 the following:

“§ 1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs”;

(2) by striking “(c) TRANSMITTAL OF MEDICAL INFORMATION TO DEPARTMENT OF VETERANS AFFAIRS.—”; and

(3) by striking “a member being medically separated or being retired under chapter 61 of this title” and inserting “each member who is entitled to counseling and other services under section 1142 of this title”.

(b) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “shall provide for individual separation counseling” and inserting “shall provide individual separation counseling”;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

“(4) For members of the reserve components being separated from service on active duty for a period of more than 30 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

“(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.”.

(2) Subsection (b)(4) of such section 1142 is amended by striking “(4) Information concerning” and inserting the following:

“(4) Provide information on civilian occupations and related assistance programs, including information about—

“(A) certification and licensure requirements that are applicable to civilian occupations;

“(B) civilian occupations that correspond to military occupational specialties; and

“(C)”.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

“(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

“(A) preseparation counseling under this section includes material that is specifically

relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

“(B) the locations at which preseparation counseling is presented to eligible personnel include—

“(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

“(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

“(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

“(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

“(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials’ other activities that provide direct training support to personnel who provide preseparation counseling under this section.

“(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

“(2) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).”.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

“§ 1142. Members separating from active duty: preseparation counseling”.

(B) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

“1142. Members separating from active duty: preseparation counseling.

“1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.”.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

“(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

“(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

“(A) Each member who has previously participated in the program.

“(B) Each member who, upon discharge or release from active duty, is returning to—

“(i) a position of employment previously held by such member; or

“(ii) pursuit of an academic degree or other educational or occupational training objec-

tive that the member was pursuing when called or ordered to such active duty.”.

(2) Subsection (a)(1) of such section is amended by striking “paragraph (4)(A)” in the second sentence and inserting “paragraph (6)(A)”.

(d) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that apply under State laws to the training and certification of persons in corresponding civilian occupations.

SEC. 1303. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) ACCESSIBILITY OF INFORMATION.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1154. Requirements applicable to all benefits delivery at discharge programs

“(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

“(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

“(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(b) PARTICIPATION OF MILITARY AND VETERANS’ SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

“(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term ‘benefits delivery at discharge programs’ means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1154. Requirements applicable to all benefits delivery at discharge programs.”.

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking “(including an assessment of mental health” and inserting “(which shall include mental health screening and assessment”;

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

“(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under

this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

“(2) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, and shall specifically include questions to identify all stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

“(3) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

“(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

“(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

“(2) Assistance required to be provided a member under paragraph (1) includes the following:

“(A) Care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

“(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

“(ii) Any other care, treatment, and services.

“(B) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.”.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DoD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans' benefits to members and former members of the Armed Forces who have been deployed as described in section 1074(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:

(A) Compatibility of health care filing systems.

(B) Consistency of claims forms.

(C) Consistency of medical examination forms.

(D) Shared electronic database with appropriate privacy protections.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, as amended by section 1303(a), is further amended by adding at the end the following new section:

“§ 1155. Veteran-to-veteran preseparation counseling

“(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

“(b) ELEMENTS OF PROGRAM.—The program under this section shall include the following elements:

“(1) Invitation to representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

“(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

“(c) LOCATIONS.—The program under this section shall provide for access to members—

“(1) at each installation of the armed forces;

“(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

“(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Secretary of Defense may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to members and former members of the uniformed services in medical treatment facilities of the uniformed services.

“(e) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.”.

(2) The table of sections at the beginning of such chapter, as amended by section 1303(b), is amended by adding at the end the following new item:

“1155. Veteran-to-veteran preseparation counseling.”.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United

States Code, is amended by adding at the end the following new section:

“§ 1709. Veteran-to-veteran counseling

“(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

“(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

“(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) to the extent necessary to ensure that representatives of military and veterans' service organizations and representatives of veterans' services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

“(d) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.”.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

“1709. Veteran-to-veteran counseling.”.

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

“§ 1156. College credit for training in the armed forces

“The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

“1156. College credit for training in the armed forces.”.

SA 3156. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 280, after line 22, insert the following:

SEC. 1068. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President may issue posthumously a commission as major general, United States Army, in the name of the

late William "Billy" Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) PROHIBITION OF BENEFITS.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COCHRAN. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on May 19, 2004 in SH-216 at 10:30 a.m. The purpose of this meeting will be to mark up legislation to reauthorize child nutrition programs.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGING

Mr. WARNER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Monday, May 17, 2004 from 2 p.m.–5 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Chistine Dodd, my staff member, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Christopher Povak of Senator LIEBERMAN's staff during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that a member of Senator MCCAIN's staff, Mr. Frederick Latrash, be granted the privileges of the floor during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that Tranche Montague, from my staff, be granted the privileges of the floor during consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Chris Alexander be granted floor privileges during the consideration of S. 2400.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, as if in morning business, I would like to turn to the Executive Calendar.

I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar:

Calendar No. 692, the nomination of MG David H. Petraeus.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David H. Petraeus, 0000

Mr. WARNER. Mr. President, for the benefit of all Members, I have known this fine officer for many years. He served a tour in Iraq with great distinction and returned. I think he then offered his services to go back over to help with the rebuilding of various sections of the Iraqi Army and offered other services to try to build up that nation's ability to defend itself internally as well as in many external affairs.

GENERAL PETRAEUS

• Mr. FRIST. Mr. President, I rise today to say a few words in support of my good friend, Major General David Petraeus. On May 4, the President nominated General Petraeus for appointment to the grade of lieutenant general and assignment as chief of the Office of Security Transition—Iraq.

As head of the Office of Security Transition, General Petraeus will be charged with demobilizing militias and organizing and training the Iraqi military, civil defense force, police, and protective services. His mission is a vital part of helping Iraqis come together as a nation.

General Petraeus embodies all the values of a true soldier serving his country. Leadership, bravery, duty, honor. Indeed, he is one of our most talented soldiers.

I first met General Petraeus in 1991, while I was serving as a heart surgeon at the Vanderbilt University Medical Center in Nashville. I got an afternoon call from the emergency room that a person with a gunshot wound was being rushed to the hospital. I knew the person had been shot in the chest and at close range with an M-16.

When General Petraeus arrived, he was bleeding faster than the blood could be replenished so I put in a chest tube and we headed to the operating room. On the way to the operating room, I remember explaining to him the risk of infection from the bullet. I didn't get more than halfway through my explanation before he responded with, "Doctor, let's go get this over with; you need to tell me nothing more."

Very few people would have been out of bed within 12 hours of surgery. But General Petraeus is a strong and determined man.

Anyone who has ever seen him with his soldiers can see his dedication and commitment to those he leads.

The record of the 101st Airborne and the leadership of General Petraeus speaks for itself.

Over a year ago, General Petraeus and the 101st Airborne Assault Division, along with the 160th SOAR and Fifth Special Operations Group, departed Fort Campbell for action in Iraq and to engage hostile forces in the War on Terror in Afghanistan. This past year the Screaming Eagles lived up to the division's motto of "rendezvous with destiny." They endured untold hardships, confronted incredible obstacles, and completed their mission with astounding results.

They began with a grueling and dangerous trek north from Kuwait in which they liberated countless Iraqis. Arriving in Northern Iraq on April 22, 2003, the division conducted the longest air assault in history, and quickly assumed responsibility for the ancient city of Mosul and the security of its citizens. Within 2 weeks of arriving in Mosul, the division rebuilt Khazir Bridge and facilitated the first free election in Iraq since the rise of the oppressive Baathists, allowing local leaders to elect the city's new mayor and regional governor.

In late July, acting on the word of a number of Iraqi citizens, the 101st was successful in locating Uday and Qusay Hussein. These two brutal thugs, along with their father, were symbols of an oppressive, evil regime that millions of Iraqis were forced to endure for decades.

Having successfully contained much of the remaining threat, the Screaming Eagles wasted no time in distinguishing themselves not only as liberators, but as partners in Iraq's reinvention. General Petraeus acted as a civil administrator by overseeing projects restoring electricity and water services, replenishing the area's supply of cooking oil, digging new wells, refurbishing over 500 schools, and building new health clinics. All of these projects were major successes.

I commend General Petraeus for his service and devotion to our Nation. I greatly respect his leadership. I applaud the good work that the 101st has been able to accomplish for the Iraqi people and in the war on terrorism. I can think of no better individual to